

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
**BARRIGAR INTELLECTUAL PROPERTY
LAW**
290 - 1675 Douglas Street
VICTORIA, British Columbia
Canada, V8W 2G5

Date of mailing 16 August 2005 (16-08-2005)
(day/month/year)

Applicant's or agent's file reference
KL001/3051WO

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CA2005/000637

International filing date (day/month/year)
26 April 2005 (26-04-2005)

Priority date (day/month/year)
26 April 2004 (26-04-2004)

International Patent Classification (IPC) or both national classification and IPC
IPC: G07F 13/02

DOCKETED FOR: 2/26/06

Applicant
INNOVATION AND DEVELOPMENT CORPORATION ET AL

COMPUTER
BOOK
SCAN
CC:

1. This opinion contains indications relating to the following items :

- | | |
|---|--|
| <input checked="" type="checkbox"/> Box No. I | Basis of the opinion |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
Canadian Intellectual Property Office
Place du Portage I, C114 - 1st Floor, Box PCT
50 Victoria Street
Gatineau, Quebec K1A 0C9
Facsimile No.: 001(819)953-2476

Date of completion of this opinion
27 July 2005 (27-07-2005)

Authorized officer
Tara Derick (819) 997-4502

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search.
- 3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments :

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|----------------|-----|
| Novelty (N) | Claims 1 to 21 | YES |
| | Claims none | NO |
| Inventive step (IS) | Claims 1 to 21 | YES |
| | Claims none | NO |
| Industrial applicability (IA) | Claims 1 to 21 | YES |
| | Claims none | NO |

2. Citations and explanations :

Reference is made to the following documents:

D1: US 4 226 267 (MEECHAM) 07 October 1980 (07-10-1980)

Independent claim 1 describes a liquid dispensing machine comprising: a cabinet; a holder housed in the cabinet for holding a plurality of containers; a furcated passage to provide fluid communication between the containers and outlet; a dispense valve; flow controller; and, a currency acceptor.

Dependent claims 2 to 21 further define the features of: a pump; a solenoid valve; a manifold; a gas exchanger with a filter unit; a penetrator and coupler; flow monitor located in line (parallel) with the main passage or integral with the pump; timer; the controller in electronic communication with the flow monitor; a surge buffer; check valve; a container rack or shelf that is rotatably mounted; a collar; a refrigerated cabinet; a counterbalance; a water or bottle presence sensor; a peristaltic pump; an alarm system to indicate when the dispensing machine is empty; draining the containers in series; and, gravity feeding.

ARTICLE 33(2) PCT - NOVELTY

1. When taken alone, document D1 does not disclose a liquid dispensing machine with a cabinet for holding a plurality of carboy or bag containers.

Therefore, the subject matter of claim 1 is novel under **Article 33(2) PCT** in view of D1.

2. Claims 2 to 21 are dependent on claim 1 and, as such, also meet the requirements of **Article 33(2) PCT** with respect to novelty.

ARTICLE 33(3) PCT - INVENTIVE STEP

3. Document D1 is regarded as being the closest prior art and discloses a vending machine with a holding tank that is filled by a plurality of water storage containers by way of a valve. When a storage container is empty, the valve is moved to a position to accept the liquid flow from another container.

(CONTINUED IN SUPPLEMENTAL BOX ON PAGE 5)

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

1. The documents cited on page 6, line 12 and page 6, line 33 should not be incorporated into the description because the patent specification should be self-contained and capable of being understood without reference to any other document. Therefore, the description does not comply with **Article 5 PCT**.
2. The phrase *a dispensing valve to stop and start the flow of liquid* is not clear. It is unclear as to the location of the valve (eg. at the container or outlet). Therefore, claim 1 does not comply with **Article 6 PCT**.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation BOX V (page 3)

There is no indication in D1 about a cabinet, a holder for the containers, nor a passage for allowing the fluid in the containers to flow directly to the outlet.

Therefore, the subject matter of claim 1 involves an inventive step under **Article 33(3) PCT** in view of D1.

4. Claims 2 to 21 are dependent on claim 1 and, as such, also meet the requirements of the **Article 33(3) PCT** with respect to inventive step.

ARTICLE 33(4) PCT - INDUSTRIAL APPLICABILITY

5. The claimed subject matter of claims 1 to 21 is considered to be industrially applicable, thus fulfilling the requirements of **Article 33(4) PCT**.